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July 24, 2020

VIA ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Robinson Feliz v. City of New York, et al.
19 Civ. 6305 (AJN)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to represent defendants City of New York, Alex Tegan, and Ronnie Rodriguez (“City Defendants”) in the above-referenced matter. City Defendants write to inform the Court of their intention to move, pursuant to Fed. R. Civ. P. 12(c), for dismissal of the Complaint in its entirety and to request the Court’s endorsement of a briefing schedule. Further, in light of the fact that the motion, if granted, will be fully dispositive, City Defendants respectfully request that Your Honor relieve the parties of their obligation to submit a proposed discovery schedule and stay discovery. Plaintiff does not consent to the request to stay discovery.

On July 1, 2020, defendants served plaintiff with a letter and notice of motion pursuant to Fed. R. Civ. P. 11 indicating defendants’ intent to move this Court for sanctions, including, but not limited to, dismissal of plaintiff’s claims in the event that plaintiff failed to withdraw the baseless allegations set forth in his Complaint by July 22, 2020. Briefly, as per the Rule 11 letter, the Complaint is meritless since, in part: (1) it cannot be disputed that plaintiff was driving without his registration at the time of his arrest, and accordingly, at a minimum, there was probable cause to arrest him for that; (2) no criminal charges were initiated against plaintiff, and accordingly, there is no viable malicious prosecution claim; (3) plaintiff has failed to identify any improper purpose or collateral objective of the defendant officers to support the malicious abuse of process claim; (4) the complaint fails to articulate the type of extreme and

outrageous conduct needed to plausibly allege a claim for intentional infliction of emotional distress; and (5) the complaint fails to adequately plead that defendant City was aware, or should have been aware, of the propensity of the individually named defendants to commit the alleged unconstitutional acts. As of this writing, plaintiff has not withdrawn the Complaint.

Accordingly, City Defendants intend to file a fully dispositive motion to dismiss and respectfully request that discovery be stayed during the pendency of this motion. Additionally, defendants respectfully request that the Court endorse the following briefing schedule:

- Defendants' moving papers due by August 7, 2020;
- Plaintiff's opposition due by September 7, 2020; and
- Defendants' reply, if any, due by September 21, 2020.

Thank you for your consideration herein.

Respectfully submitted,

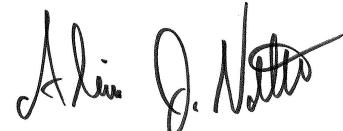
Laura Iheanachor /s/

Laura Iheanachor
Assistant Corporation Counsel

cc: All Counsels of Record (By ECF)

The Court adopts the proposed briefing schedule. On or before August 4, 2020, Plaintiff should indicate his views on whether discovery should be stayed pending resolution of the anticipated motion for judgment on the pleadings. The initial pre-trial conference currently scheduled for August 7, 2020 is hereby adjourned *sine die*. The parties need not submit a proposed discovery schedule at this time.
SO ORDERED.

SO ORDERED. 7/28/20



Alison J. Nathan, U.S.D.J.